

1 **HAROLD M. JAFFE, ESQ.**

CASB #57397

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Oakland, CA 94610

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4 Attorney for Defendants JOHN SRAMEK and BERNADETTE SRAMEK, individually and as
5 Trustees of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust and Harold
6 M. Jaffe, In Pro Per

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9 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

10 ALISE MALIKYAR,

CASE NO. C07-03533 JCS

11 Plaintiff,

**DECLARATION OF GAIL SMITH TO ALLOW
LATE FILING DUE TO TECHNICAL FAILURE OF
ECF SYSTEM
(RULE 45 VI. E)**

12 vs.

13
14 JOHN SRAMEK, BERNADETTE SRAMEK,
15 HAROLD M. JAFFE, John S. Sramek, Jr. and
Bernadette D. Sramek Revocable Living
Trust, and DOES 1 - 100,

16 Defendants.
17 _____/

18 I, GAIL L. SMITH, declare:

19 1. I am employed by the Law Offices of Harold M. Jaffe as a paralegal, am over the
20 age of 18 years, and not a party to the within action.

21 2. The matters stated herein are within my own personal knowledge and if called as
22 a witness I could and would competently testify thereto.

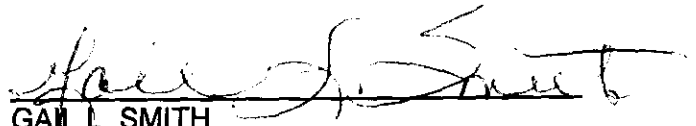
23 3. On September 24, 2007, from 11:10 a.m. through 5:20 p.m., your declarant
24 attempted to log on to the U.S. District Court of Northern California's E-Filing System in order to
25 file ADR Certification by Parties and Counsel and Stipulation and [Proposed] Order Selecting ADR
26 Process, without success. After several failed attempts, at approximately 2:45 p.m., your declarant
27 called the U.S. District Court and was told by a clerk that the ECF system is down and is currently

1 being worked on, and further there is no guaranty one way or the other if the system will be back
2 up and running on September 24, 2007, for filing purposes.

3 4. On September 25, 2007, throughout the morning, and up through and including
4 12:45 p.m., your declarant was still not able to log on to the U.S. District Court's E-Filing System.

5 5. At approximately 1:45 p.m., your declarant once again attempted to log on to the
6 U.S. District Court's E-Filing System and was able to connect. Therefore, your declarant is now
7 submitting this declaration along with the ADR Certification by Parties and Counsel and Stipulation
8 and [Proposed] Order Selecting ADR Process documents so that they may be filed without late
9 penalty.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct and this declaration is executed on September 25, 2007, at Oakland, California.

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15 GAIL L. SMITH
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PROOF OF SERVICE

In re USDC for the Northern District of Calif., Case No. C07-03533 JCS

I am a citizen of the United States, employed in the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 3521 Grand Avenue, Oakland, CA 94610.

On the date herein below stated, I served the within document(s):

-DECLARATION OF GAIL SMITH TO ALLOW LATE FILING DUE TO TECHNICAL FAILURE OF ECF SYSTEM [RULE 45 VI. E)

XX by facsimile transmission on said date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), facsimile number (510) 452-9125. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is in sender's file. The names and facsimile numbers of the person(s) served are as set forth below.

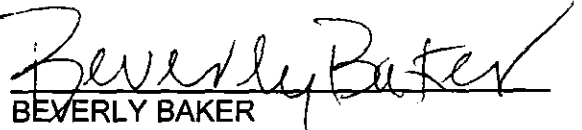
XX by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage prepaid for deposit in the United States mail at Oakland, California, pursuant to CCP §§1013a(3), addressed as set forth below.

by depositing in a box or similar facility maintained by: ☐ United Parcel Service; ☐ Federal Express; ☐ DHL Worldwide Express; an express mail service carrier, in an envelope designated by said express service carrier, with delivery fees paid or provided for, pursuant to CCP §1013(c), addressed as set forth below.

by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

Alise Malikyar
2324 Tice Valley Blvd.
Walnut Creek, CA 94595
T: (925) 890-8619
F: (407) 209-2126

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this Declaration was executed on September 25, 2007, at Oakland, California.


BEVERLY BAKER